

3739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Mrochen, et al.

Serial No.: 10/031,107

Filed: January 10, 2002

For: CONTROL PROGRAM FOR A
DEVICE FOR PHOTOREFRACTIVE
CORNEAL SURGERY OF THE EYE

§ Attorney Docket No.: 31567.4
§
§ Customer No.: 27683
§
§ Group Art Unit: 3739
§
§ Examiner: A.M. Farah
§
§
§

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

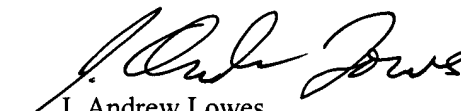
Sir:

The following is a response to the restriction requirement dated October 3, 2003. Please provide any extensions of time which may be necessary and charge any fees due or credit any overpayments to Deposit Account No. 08-1394.

The Office Action indicated that the application contained claims directed to two patentable distinct inventions. Without limitation on the filing of divisional and continuation applications, applicant hereby elects Group I, claims 1, 18-26 and 28-34. Furthermore, claim 1 was indicated as being generic to Group I. However, as requested, applicant hereby elects Species A, Claims 18-26 and 28-31 directed to programs for guiding laser beams should not generic claim be allowable.

It is respectfully submitted that the application is now in condition for further examination and such action is hereby respectfully requested.

Respectfully submitted,


J. Andrew Lowes
Reg. No. 40,706

Date: 10/03/03
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-680-7557
Facsimile: 972-692-9057
File: 31567.3
R59051

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 11-3-03.

Karen L. Underwood
Printed Name


Signature

RECEIVED
NOV 14 2003
TECHNOLOGY CENTER R3700
#9
11/17/03